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JUL 22 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

UNITED STATES OF AMERICA,)
ex rel. MELISSA SIMS POWELL,)
ANGELA HITCHENS, JOSEPH P.)
PLUMLEY, JR., ED.D. AND)
GLENN W. DOBSON)

Plaintiffs,)

vs.)

AMERICAN INTERCONTINENTAL)
UNIVERSITY, INC., CAREER)
EDUCATION CORP., AND)
JOHN DOE NOS. 1-100)

Defendants.)

CIVIL ACTION NO.

1:08-CV-2277-GET

FILED UNDER SEAL

**THE GOVERNMENT'S NOTICE OF ELECTION TO
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relators to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." Id.

Therefore, the United States requests that, should either the relators or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States and that copies of any orders issued by the Court be sent to the undersigned counsel for the United States. The United States reserves its right to order any deposition transcripts and to intervene in this action, for good cause, at a later date.

Finally, the Government requests that only the Complaint, this Notice, and the Court's Order unsealing this action be unsealed and served upon the defendants. The United States requests that all other contents of the Court's file on this matter (including, but not limited to, any applications filed by the United States for an extension of the sixty-day investigative period, memoranda, and supporting documents) remain under seal and not be made public or served upon the defendants because in discussing the content and extent of the United States' investigation, such documents are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

TONY WEST
Assistant Attorney General

SALLY Q. YATES
Acting United States Attorney
Northern District of Georgia

A handwritten signature in cursive script, reading "Sally B. Molloy", is written over a horizontal line.

SALLY B. MOLLOY
Assistant United States Attorney
Northern District of Georgia
Georgia Bar No. 140816

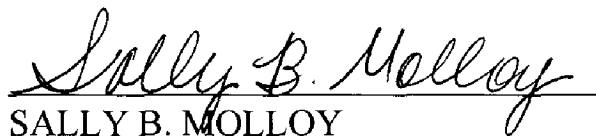
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CERTIFICATE OF COMPLIANCE

The undersigned attorney hereby certifies, pursuant to LR 7.1.D, NDGa., that the foregoing Memorandum was prepared in Times New Roman 14 point font.

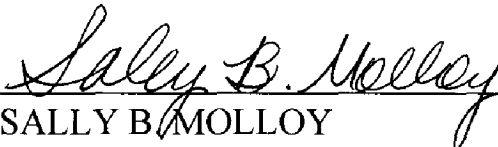

SALLY B. MOLLOY
ASSISTANT U.S. ATTORNEY

CERTIFICATE OF SERVICE

I hereby certify that THE GOVERNMENT'S NOTICE OF ELECTION TO
DECLINE INTERVENTION and PROPOSED ORDER were served by mailing
true copies thereof by first class mail, with adequate postage affixed thereto,
addressed to:

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Attorneys for Relators

This 22nd day of July, 2009.


SALLY B. MOLLOY
Assistant United States Attorney

**THESE DOCUMENTS HAVE NOT BEEN SERVED UPON THE
DEFENDANTS BECAUSE THIS CASE REMAINS UNDER SEAL.**